

AMENDED IN ASSEMBLY MARCH 28, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 699

Introduced by Assembly Member Lieber

February 19, 2003

~~An act to add Chapter 8 (commencing with Section 6850) to Division 3 of the Business and Professions Code, to amend Sections 17280 and 17311 of the Education Code, to amend Sections 14951 and 14956 of the Government Code, and to amend Section 129680 of the Health and Safety Code, relating to construction inspections. An act relating to construction inspectors.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 699, as amended, Lieber. ~~Board of Registered Construction Inspectors; hospital~~ *Hospital* and school construction inspectors.

Existing law provides that the State Architect, under the Department of General Services, has general charge of the erection of all state buildings, including schools, and requires the State Architect to assign an inspector to each state building, except a public works project subject to the jurisdiction of another state agency, during its construction. Existing law provides that the Office of Statewide Health Planning and Development is responsible for the Facilities Construction Unit, which is responsible for the building standards and inspection of hospital buildings.

This bill would ~~remove the construction inspection authority of hospitals and schools from the Office of Statewide Health Planning and Development and the State Architect and would instead place it in registered construction inspectors under the supervision and regulation~~

~~of the Board of Registered Construction Inspectors, which this bill would create within the Department of Consumer Affairs. The bill would provide that an unspecified number of board members would be appointed by the Director of the Department of Consumer Affairs. The bill would require the board to adopt regulations regarding testing, licensing, and discipline of hospital and school construction inspectors. require the office of the Legislative Analyst, not later than January 1, 2005, to complete and submit to the Legislature a study concerning the construction inspector certification programs of the Office of Statewide Health, Planning and Development and the Department of General Services, as specified. The bill would also require those agencies not later than July 1, 2004, to submit to the office of the Legislative Analyst specified information for the preparation of the study and would require them to increase inspector certification fees to offset their costs incurred.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1.—Chapter 8 (commencing with Section 6850) is~~
2 *SECTION 1. (a) Not later than January 1, 2005, the office of*
3 *the Legislative Analyst shall complete and submit to the*
4 *Legislature a study concerning the construction inspector*
5 *certification programs of the Office of Statewide Health Planning*
6 *and Development and the Department of General Services. The*
7 *study shall do all of the following:*
8 *(1) Assess whether the current tests and minimum requirements*
9 *for testing of hospital and school construction inspectors*
10 *adequately address the knowledge, skills, and abilities needed to*
11 *competently perform those inspections.*
12 *(2) Review the recruitment and retention of construction*
13 *inspectors to determine what efforts may be made by the Office of*
14 *Statewide Health Planning and Development and the Department*
15 *of General Services to increase the number of certified*
16 *construction inspectors from underrepresented groups.*
17 *(3) Determine whether the certification programs of the Office*
18 *of Statewide Health Planning and Development and the*
19 *Department of General Services will ensure the certification of an*

adequate number of school and hospital construction inspectors to meet projected school and hospital construction needs.

(4) Examine the certification, recertification, and discipline policies, procedures, and programs of the Office of Statewide Health Planning and Development and the Department of General Services to determine whether all applicable regulations and procedures have been followed fairly and without regard to race, sex, national origin, or any other category against which discrimination is prohibited.

(b) Not later than July 1, 2004, the Office of Statewide Health Planning and Development and the Department of General Services shall provide to the Office of the Legislative Analyst for the preparation of the study required in subdivision (a) the following information:

(1) A list of existing programs and activities related to the four areas described in paragraphs (1) to (4), inclusive, of subdivision (a).

(2) A list of proposed programs and activities related to the four areas described in paragraphs (1) to (4), inclusive, of subdivision (a).

(3) Any other information requested in a timely manner by the Office of the Legislative Analyst in order to complete the study required in subdivision (a).

(c) The Office of Statewide Health Planning and Development and the Department of General Services shall increase inspector certification fees in amounts necessary to offset costs incurred in connection with the study.

~~added to Division 3 of the Business and Professions Code, to read:~~

~~CHAPTER 8. REGISTERED CONSTRUCTION INSPECTORS~~

~~6850. This chapter constitutes and may be cited as the Registered Construction Inspectors Act.~~

~~6851. The Board of Registered Construction Inspectors is established in the Department of Consumer Affairs for the purpose of licensing and registering qualified individuals to inspect hospitals and schools in the state.~~

~~6852. For the purposes of this chapter, the following terms have the following meanings:~~

1 ~~(a) “Board” means the Board of Registered Construction~~
2 ~~Inspectors.~~

3 ~~(b) “Department” means the Department of Consumer~~
4 ~~Affairs.~~

5 ~~(c) “Director” means the Director of the Department of~~
6 ~~Consumer Affairs.~~

7 ~~(d) “Licensee” means a person licensed under this chapter as~~
8 ~~a registered construction inspector.~~

9 ~~6853. The board shall consist of ____ members appointed by~~
10 ~~the director.~~

11 ~~6854. The board shall administer and enforce the provisions~~
12 ~~of this chapter by adopting rules and regulations which provide~~
13 ~~for:~~

14 ~~(a) The establishment of licensure qualifications for:~~

15 ~~(1) General inspectors.~~

16 ~~(2) General inspectors who also qualify to act as independent~~
17 ~~contractors.~~

18 ~~(b) The administration of licensing examinations for~~
19 ~~individuals applying for licensure pursuant to subdivision (a).~~

20 ~~(c) The initiation of disciplinary action against a licensee.~~

21 ~~SEC. 2. Section 17280 of the Education Code is amended to~~
22 ~~read:~~

23 ~~17280. (a) (1) The Department of General Services under~~
24 ~~the police power of the state shall supervise the design and~~
25 ~~construction of any school building or the reconstruction or~~
26 ~~alteration of or addition to any school building, if not exempted~~
27 ~~under Section 17295, to ensure that plans and specifications~~
28 ~~comply with the rules and regulations adopted pursuant to this~~
29 ~~article and building standards published in Title 24 of the~~
30 ~~California Code of Regulations, and to ensure that the work of~~
31 ~~construction has been performed in accordance with the approved~~
32 ~~plans and specifications, for the protection of life and property.~~
33 ~~Nothing in this section shall be construed to allow a school district~~
34 ~~to perform work with its own forces in excess of the limitations set~~
35 ~~forth in Sections 17595 and 17599. In calculating the cost of any~~
36 ~~project of reconstruction or alteration of, or addition to, any school~~
37 ~~building for the purpose of determining the applicability of the~~
38 ~~rules and regulations adopted pursuant to this article and building~~
39 ~~standards published in Title 24 of the California Code of~~
40 ~~Regulations, the Department of General Services shall not include,~~

1 ~~as an element of that cost, any expenses of air-conditioning~~
2 ~~equipment or insulation materials for that building, or of installing~~
3 ~~the equipment or materials.~~

4 ~~(2) All school buildings, as defined in Section 17283, shall be~~
5 ~~inspected by registered construction inspectors who are licensed~~
6 ~~by the Board of Registered Construction Inspectors established~~
7 ~~within the Department of Consumer Affairs. These inspections~~
8 ~~shall be in addition to the design and construction supervision of~~
9 ~~school buildings required in paragraph (1).~~

10 ~~(3) In the alternative, for a leased or purchased building, a~~
11 ~~school district may comply with this section by complying with~~
12 ~~Section 17280.5.~~

13 ~~(b) Whenever repairs due to fire damage, not including any~~
14 ~~damage caused by wind or earthquake, must be made to any school~~
15 ~~building previously approved by the Department of General~~
16 ~~Services, the approved plans and specifications used in the original~~
17 ~~work under then existing rules, regulations, and building standards~~
18 ~~may be used without modification, providing all other provisions~~
19 ~~of this article are carried out.~~

20 ~~(c) Notwithstanding any other provision of law, no school~~
21 ~~district shall be authorized to construct or reconstruct any school~~
22 ~~building, regardless of the source of funding, unless and until the~~
23 ~~governing board of the district, by resolution, has indicated the~~
24 ~~agreement of the district that any school building construction or~~
25 ~~reconstruction that exceeds those construction costs and allowable~~
26 ~~area standards or any allowable building area computed for an~~
27 ~~attendance area pursuant to Section 17041 shall, in the event of the~~
28 ~~district's subsequent application for state funding for school~~
29 ~~facility construction, be deducted from the allowable building area~~
30 ~~for which the district would otherwise have been eligible, which~~
31 ~~restriction shall not be subject to waiver or exception as otherwise~~
32 ~~may be provided by law.~~

33 ~~(d) If it is determined that, for any reason, a school district~~
34 ~~failed to comply with the requirement of this section, the district~~
35 ~~shall not be eligible for any additional building area pursuant to~~
36 ~~Section 17049 and may be denied any time priority established for~~
37 ~~the particular project pursuant to Section 17016.~~

38 ~~SEC. 3. Section 17311 of the Education Code is amended to~~
39 ~~read:~~

1 ~~17311. (a) A registered construction inspector licensed by~~
2 ~~the Board of Registered Construction Inspectors shall make the~~
3 ~~inspection of the school buildings and of the work of construction~~
4 ~~or alteration as in its judgment is necessary or proper for the~~
5 ~~enforcement of this article and the protection of the safety of the~~
6 ~~pupils, the teachers, and the public. The school district, city, city~~
7 ~~and county, or the political subdivision within the jurisdiction of~~
8 ~~which any school building is constructed or altered shall provide~~
9 ~~for and require competent, adequate, and continuous inspection~~
10 ~~during construction or alteration by a registered construction~~
11 ~~inspector satisfactory to the architect or structural engineer and the~~
12 ~~Board of Registered Construction Inspectors. A registered~~
13 ~~construction inspector shall act under the direction of the~~
14 ~~governing board and architect or structural engineer as the board~~
15 ~~may direct. The registered construction inspector shall be~~
16 ~~responsible to the governing board for employment purposes. The~~
17 ~~registered construction inspector shall be responsible to the Board~~
18 ~~of Registered Construction Inspectors for enforcement of the plans~~
19 ~~and specifications of the school project.~~

20 ~~(b) In order to ensure the competency and adequacy of the~~
21 ~~registered construction inspectors required under this article, the~~
22 ~~Board of Registered Construction Inspectors shall do all of the~~
23 ~~following:~~

24 ~~(1) Revise the examination used to determine the competency~~
25 ~~of those who provide inspections pursuant to this article. The~~
26 ~~revision of the examination shall include techniques of inspection,~~
27 ~~construction, plan reading, required submittal documents, and~~
28 ~~knowledge of statutes and regulations that apply to school~~
29 ~~construction. The revision of the examination shall be done not~~
30 ~~later than 48 months after the last revision and not earlier than 36~~
31 ~~months after the last revision.~~

32 ~~(2) Provide training on an ongoing basis to all individuals who~~
33 ~~provide the inspections required under this article. The training~~
34 ~~shall be designed to ensure that all individuals who provide the~~
35 ~~continuous inspection of school building construction or alteration~~
36 ~~are sufficiently knowledgeable of the rules, regulations, and~~
37 ~~standards that apply under this article.~~

38 ~~(3) Require evaluation of the competency of those who provide~~
39 ~~inspections pursuant to this article. After an initial evaluation a~~
40 ~~reevaluation shall occur not later than 48 months after the last~~

1 ~~evaluation or reevaluation and not earlier than 36 months after the~~
2 ~~last evaluation or reevaluation. An evaluation or reevaluation shall~~
3 ~~include passage of the examination used to determine competence~~
4 ~~specified in paragraph (1) and attendance at training specified in~~
5 ~~paragraph (2).~~

6 ~~(c) The Board of Registered Construction Inspectors may~~
7 ~~require a fee from all individuals applying for evaluation or~~
8 ~~reevaluation pursuant to subdivision (b), and a fee for the~~
9 ~~examination administered in the evaluation or reevaluation. The~~
10 ~~fees shall not be more than the reasonable costs associated with the~~
11 ~~development and administration of the examination and the~~
12 ~~training.~~

13 ~~SEC. 4. Section 14951 of the Government Code is amended~~
14 ~~to read:~~

15 ~~14951. (a) The Department of General Services shall~~
16 ~~succeed to the powers, duties, and functions with respect to~~
17 ~~architectural services previously vested in the Division of~~
18 ~~Architecture or the State Architect of the Department of Public~~
19 ~~Works.~~

20 ~~(b) The State Architect has general charge, under the~~
21 ~~Department of General Services, of the erection of all state~~
22 ~~buildings and shall have an inspector assigned to each building~~
23 ~~during its construction.~~

24 ~~(c) A registered construction inspector licensed by the Board of~~
25 ~~Registered Construction Inspectors shall have general supervisory~~
26 ~~control over the inspection of all school buildings.~~

27 ~~(d) It shall be the policy of the state that one of the prime~~
28 ~~considerations in the design of state buildings shall be the~~
29 ~~conservation of energy resources needed to heat, cool, and light~~
30 ~~these buildings; along with usefulness, environmental quality,~~
31 ~~aesthetic effect, and all matters relating to fire protection and fire~~
32 ~~safety.~~

33 ~~(e) In determining the requirements necessary to comply with~~
34 ~~this policy, the owning and operating costs for the anticipated life~~
35 ~~of the building shall be used rather than initial cost only.~~

36 ~~SEC. 5. Section 14956 of the Government Code is amended~~
37 ~~to read:~~

38 ~~14956. (a) This chapter, insofar as it vests in the State~~
39 ~~Architect general charge of the erection of all state buildings and~~
40 ~~requires him or her to have an inspector assigned to each building~~

1 during its construction, does not apply to the construction of any
2 public works which is under the jurisdiction of the Department of
3 Water Resources, the Department of Boating and Waterways
4 pursuant to Article 2.5 (commencing with Section 65) of Chapter
5 2 of Division 1 of the Harbors and Navigation Code, or the
6 Department of Transportation Board.

7 ~~(b) The Board of Registered Construction Inspectors is vested~~
8 ~~with general charge of inspections conducted by registered~~
9 ~~construction inspectors of all school buildings constructed within~~
10 ~~the state.~~

11 SEC. 6. ~~Section 129680 of the Health and Safety Code is~~
12 ~~amended to read:~~

13 ~~129680. (a) It is the intent of the Legislature that hospital~~
14 ~~buildings that house patients who have less than the capacity of~~
15 ~~normally healthy persons to protect themselves, and that must be~~
16 ~~reasonably capable of providing services to the public after a~~
17 ~~disaster, shall be designed and constructed to resist, insofar as~~
18 ~~practical, the forces generated by earthquakes, gravity, and winds.~~
19 ~~In order to accomplish this purpose, the office shall propose proper~~
20 ~~building standards for earthquake resistance based upon current~~
21 ~~knowledge, and provide an independent review of the design and~~
22 ~~construction of hospital buildings.~~

23 ~~(b) (1) Local jurisdictions are preempted from the~~
24 ~~enforcement of all building standards published in the California~~
25 ~~Building Standards Code relating to the regulation of hospital~~
26 ~~buildings and the enforcement of other regulations adopted~~
27 ~~pursuant to this chapter, and all other applicable state laws,~~
28 ~~including plan checking and inspection of the design and details~~
29 ~~of the architectural, structural, mechanical, plumbing, electrical,~~
30 ~~and fire and panic safety systems, and the observation of~~
31 ~~construction. Except as provided in paragraph (2), the office shall~~
32 ~~assume these responsibilities.~~

33 ~~(2) The office is not responsible for the inspection of hospital~~
34 ~~buildings, as defined in Section 129725. Hospital building~~
35 ~~inspections shall be performed by registered construction~~
36 ~~inspectors licensed by the Board of Registered Construction~~
37 ~~Inspectors within the Department of Consumer Affairs.~~

38 ~~(c) Where local jurisdictions have more restrictive~~
39 ~~requirements for the enforcement of building standards, other~~

1 ~~building regulations, and construction supervision, these~~
2 ~~requirements shall be enforced by the office.~~

3 ~~(d) Each local jurisdiction shall keep the office and the Board~~
4 ~~of Registered Construction Inspectors advised as to the existence~~
5 ~~of any more restrictive local requirements. Where a reasonable~~
6 ~~doubt exists as to whether the requirements of the local jurisdiction~~
7 ~~are more restrictive, the effect of these requirements shall be~~
8 ~~determined by the Hospital Building Safety Board.~~

9 ~~It is further the intent of the Legislature that the office, with the~~
10 ~~advice of the Hospital Building Safety Board, may conduct or~~
11 ~~enter into contracts for research regarding the reduction or~~
12 ~~elimination of seismic or other safety hazards in hospital buildings~~
13 ~~or research regarding hospital building standards.~~

